

# APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office.....SEP 29 1970

Returned to applicant for correction.....

Corrected application filed.....

Map filed.....OCT 9 1970

The applicant.....Diamond Land and Cattle Company  
Elko  
of % Chilton Engineering, 421 Court County of.....  
State of Nevada 89801....., hereby make S. application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) J.H. Sewell, Mollie S. Sewell, Thomas H. Gallagher, Dorothy S. Gallagher, Gordon Garrett, Helen Metzker, John K. Metzker, & Mary Lee Fulkerson, a partnership.

1. The source of the proposed appropriation is.....Denay Creek AKA Tonkin Creek  
Name of stream, lake or other source.

2. The amount of water applied for is.....second-feet  
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet.....700 A.F......acre-feet

3. The water to be used for.....Storage  
Irrigation, power, mining, manufacturing, domestic, or other use.

4. If use is for:

(a) Irrigation (state number of acres to be irrigated).....3160 acres

(b) Stockwater (state number and kinds of animals to be watered).....

(c) Other use (describe fully under "No. 11. Remarks").....

(d) Power:

(1) Horsepower developed.....

(2) Point of return of water to stream.....

5. The water is to be diverted from its source at the following point: Lot 3, Sec. 1, T23 $\frac{1}{2}$ N, R49E.

MDM at a point from which the N $\frac{1}{4}$  corner of said Section 1 bears  
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,  
N 16° 48' 50" E 623.79 feet  
it should be stated.

6. Place of use Portions of Section 1, T 23 $\frac{1}{2}$  N, R49E, Portions of Sections 12,  
Describe by legal subdivision, if on unsurveyed land it should be so stated.  
13, 14, 23, 26, 35, T 24 N, R 49E, Portions of Sections 5, 6, 7,  
T 24 N, R 50 E, Portions of Sections 28, 32, 33, T25N, R50E. All  
in MDM, containing 3160 acres.

7. Use will begin about January 1 and end about December 31....., of each year.  
Month Month

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Earthfill dam approximately 25'  
high impounding approximately 700 A.F. of water covering 28 ± surface  
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.  
acres-Named Tonkin Reservoir

9. Estimated cost of works.....\$60,000.00  
10. Estimated time required to construct works.....3 years  
11. Estimated time required to complete the application to beneficial use.....5 years  
12. Remarks Applicant's Address: 627 Court, Elko, Nevada 89801. This proposed construction involves heightening an existing dam and re-conditioning outlet structure and related appurtenances. Dam and structures are being designed by U.S.D.A. Soil Conservation Service and will be forwarded for your review upon approval of application to store. Description of inundated lands is: Portion of Lots 2 & 3, Applicant Diamond Land & Cattle Company SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$  OF Section 1, T 23 $\frac{1}{2}$  N, R 49 E, MDM  
By.....s/Mark Chilton  
Agent  
421 Court  
Elko, Nevada 89801  
Compared jn/ SB/MD hs/jw

APPROVAL.....OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to store 700 acre-feet of water per annum for irrigation on 3,160 acres of land is issued subject to all existing rights on the source and also subject to NRS 535.010, (Dams and Other Obstructions). The proof of beneficial use and cultural map when filed, must show the maximum amount of water stored and released during any one year, and the lands on which such water was used. The State retains the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 700 acre-feet ~~subsurface~~ storage per annum. Duty of water from all sources not to exceed 4.0 acre-feet per acre irrigated from any and/or all sources.

Actual construction work shall begin on or before.....October 14, 1971.  
Proof of commencement of work shall be filed before.....November 14, 1971  
Work must be prosecuted with reasonable diligence and be completed on or before.....October 14, 1972  
Proof of completion of work shall be filed before.....November 14, 1972  
Application of water to beneficial use shall be made on or before.....October 14, 1975  
Proof of the application of water to beneficial use shall be filed on or before.....November 14, 1975  
Map in support of proof of beneficial use shall be filed on or before.....

Commencement of work filed.....NOV 2 1972  
Completion of work filed.....  
Proof of beneficial use filed.....  
Cultural map filed.....  
Certificate No.....Issued.....  
Recorded.....Bk.....Page.....  
.....County Recorder  
JAN 8 1975

IN TESTIMONY WHEREOF, I ROLAND D. WESTERGARD, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 14th day of April

A.D. 1971

State Engineer